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JUL 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Giuliano Sciocchetti, et al.	:	
Application No. 10/530,626	:	ON PETITION
Filed: December 30, 2005	:	
Attorney Docket No. 10500-013	:	

This is a decision in response to the petition, filed March 26, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Joseph Fischer appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

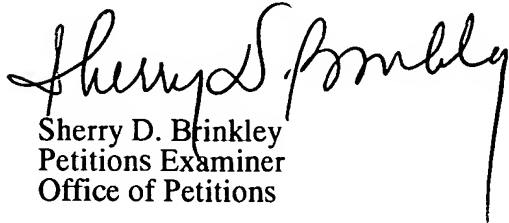
The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 15, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on March 21, 2008. On March 26, 2008 the present petition was filed, including, *inter alia*, a petition for extension of time.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,115 extension of time fee submitted with the petition on March 26, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded in the form of a credit to petitioner's credit card.

The application is being referred to Technology Center AU 2856 for consideration of the response filed March 26, 2008.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with a long vertical line extending downwards from the end of the name.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions